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09/697,964	10/27/2000	Alexandra Nsonwu	SNY-P4033	5080
24337	7590	01/19/2005	EXAMINER	
MILLER PATENT SERVICES 2500 DOCKERY LANE RALEIGH, NC 27606			VU, NGOC K	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/697,964

Applicant(s)

NSONWU ET AL.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments filed 8/2/2004, with respect to the rejection(s) of claim(s) 1-30 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Objections***

2. Claim 9 is objected to because of the following informalities: it appears that claim 9 is duplication of claim 8. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 15, 18 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 15, 18 and 30 recite "wherein the current operational context is selected from the plurality of operation contexts comprising at least two of ..." It is improper form of Markush group because using the term "comprising" instead of "consisting of". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 14, 15, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Knudson et al. (US 6526577 B1).

Regarding claim 1, Knudson discloses a method of providing user options in operation of a video system, comprising:

displaying an image (131) on a display screen (see figure 5), the image being associated with a current one of a plurality of operational contexts (displaying video from the channel that is the user is currently watching associated with one of operational contexts, e.g., program guide context – see figure 5 and col. 9, lines 48-50);

detecting actuation of a pop-up option palette control (for example, the user's equipment such as set top box detects a user selection of TV Mail feature from menu 102 of figure 5 for accessing the TV Mail – col. 18, lines 5-9 and figures 5 and 18); and

upon detecting actuation of the pop-up option palette control, overlaying the image on the display screen with a pop-up option palette displaying a plurality of selectable user options (for example, overlaying the video 1881 on the display screen 1800 with a selectable list of features 1811 in response to the user selection of TV Mail – see figure 18 and col. 14, lines 5-20).

Regarding claim 14, Knudson discloses a storage media (e.g., memory 44 within set top box – see figure 3) storing instructions which, when executed on a programmed processor (e.g., within the set top box), carry out the steps of:

displaying an image (131) on a display screen (see figure 5), the image being associated with a current one of a plurality of operational contexts (displaying video from the channel that is the user is currently watching associated with one of operational contexts, e.g., program guide context – see figure 5 and col. 9, lines 48-50);

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detecting actuation of a pop-up option palette control (for example, the user's equipment such as set top box detects a user selection of TV Mail feature from menu 102 of figure 5 for accessing the TV Mail – col. 18, lines 5-9 and figures 5 and 18); and

upon detecting actuation of the pop-up option palette control, overlaying the image on the display screen with a pop-up option palette displaying a plurality of selectable user options (for example, overlaying the video 1881 on the display screen 1800 with a selectable list of features 1811 in response to the user selection of TV Mail – see figure 18 and col. 14, lines 5-20).

Regarding claim 17, Knudson discloses a set-top box (28 – see figure 3), comprising:

a programmed processor (within the set top box);

a memory device (e.g., 44 – see figure 3) storing an operating system (i.e. software instructions), a browser program and a pop-up option palette program (e.g., program guide data) to operate on the programmed processor (see col. 8, lines 30-36 and figure 3);

means for displaying an image (131) on a video display (see figure 5), the image being associated with one of a plurality of operational contexts (displaying video from the channel that is the user is currently watching associated with one of operational contexts, e.g., program guide context – see figure 5 and col. 9, lines 48-50);

means for receiving user commands (e.g., receiving user commands via remote control for displaying a desired television channel or viewing program listings – see col. 9, lines 26-28 and col. 10, lines 32-36);

and wherein the pop-up option palette program (e.g., program guide data) operates to carry out the process of:

detecting receipt of a pop-up option palette command (e.g., receiving a user selection of TV Mail feature from menu 102 of figure 5 for accessing the TV Mail – col. 18, lines 5-9 and figures 5 and 18); and

upon detecting receipt of the pop-up option palette command, overlaying the image on the display screen with a pop-up option palette displaying a plurality of selectable user options (for example, overlaying the video 1881 on the display screen 1800 with a selectable list of features 1811 in response to the user selection of TV Mail – see figure 18 and col. 14, lines 5-20) .

Regarding **claims 2, 15 and 18**, Knudson discloses the current operational context is selected from the plurality of operational contexts comprising Email context and program guide context (see figure 5).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US 6526577 B1).

Regarding **claims 7 and 23**, Knudson shows a web link that may be related to the program associated with the selected program listing as illustrated in figure 13 (see figure 13). Knudson does not teach selectable options provide the functions of adding a page to a favorite list and initiating a keyword search. Official Notice is taken that the functions of bookmark, e.g., adding a web page to a user Favorites List, and keyword search on a web browser are well

known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the web link feature of Knudson by providing the functions of bookmark, e.g., adding a web page to a user Favorites List, and keyword search on a web browser in order to enhance the web feature.

9. Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US 6526577 B1) in view of Schneidewend et al. (US 6,182,287 B1).

Regarding **claims 3 and 19**, Knudson discloses that the system provides other data for services other than television program listings such as help text, weather...etc (see col. 4, lines 47-54). Knudson does not explicitly disclose a function of providing help for the current operational context. However, Schneidewend shows a menu comprising a function of providing "help" as shown in figure 3. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the selectable list of Knudson by including help function to visually help the viewer to operate the TV system in an easy manner.

10. Claims 8, 9, 13, 16, 24, 25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US 6526577 B1) in view of Schein et al. (US 6,002,394 A).

Regarding **claims 8, 9, 24 and 25**, Knudson shows a short cut to services context, e.g., viewer services (see figure 5). Knudson does not show the function of shifting to another available operational context. However, Schein shows a menu comprising an option 0 "Go Back To Program Guide" as illustrated in figure 21B to go to TV guide (see figure 21B). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the selectable list of Knudson by including an option "go back to program guide" as taught by Schein to allow the user easily going back to program guide from the menu.

Regarding **claims 13, 16 and 29**, Knudson does not explicitly disclose removing the overlaying the image from the display screen upon detecting a subsequent actuation of the pop-

up option palette control. However, Schein discloses that an exit area 522 allows the viewer to immediately exit back to the television by navigating to exit area 522 and clicking on the remote control device (see col. 22, lines 1-3 and figures 16-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Knudson by including the feature of an exit back to the television in response to the user selection via remote control as taught by Schein in order to allow the user viewing the full screen of the program being watched.

11. Claims 4, 5, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US 6526577 B1) in view of Schein et al. (US 6,002,394 A) and further in view of Remillard (US 5504519 A).

Regarding claims **4 and 20**, Knudson shows the current operational context comprising a program guide context, e.g., TV guide (see figure 5). Knudson does not explicitly show the selectable options provide functions of adding a current channel to a favorites list and a shortcut to services. However, Schein shows a menu comprising an option 4 "put this program on my favorite list" and an option 0 "go back to program guide" as illustrated in figure 21B (see figure 21B). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the selectable list of Knudson by including an option "put this program on my favorite list" and an option "go back to program guide" as taught by Schein to allow the user adding the selected program to the user favorite list and allow the user easily going back to program guide from the menu, respectively.

Schein further discloses that the user selects headline news which opens up another menu providing the user with a variety of news reports that may be accessed. The news reports may be viewed or printed out (see Schein: col. 23, lines 60-64). Neither Knudson nor Schein explicitly teach the selectable option provides the function of printing to a printer. However,



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Remillard discloses a television apparatus comprising the feature of displaying a menu included a several user selectable facilities on a display. The user chooses one of the options from the menu, and wherein one of the options includes printing to a printer 56 (see abstract and figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Knudson and Schein by providing function printing to a printer as taught by Remillard in order enhance the interactive television services.

Regarding claims **5 and 21**, Knudson shows the current operational context comprising an events context (see figure 5). Knudson does not explicitly show the selectable options providing of a shortcut to services. However, Schein shows an option 0 "go back to program guide" as illustrated in figure 21B (see figure 21B). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the selectable list of Knudson by including an option "go back to program guide" as taught by Schein to allow the user easily going back to program guide from the menu.

Schein further discloses that the user selects headline news which opens up another menu providing the user with a variety of news reports that may be accessed. The news reports may be viewed or printed out (see Schein: col. 23, lines 60-64). Neither Knudson nor Schein explicitly teach the selectable option provides the function of printing to a printer. However, Remillard discloses a television apparatus comprising the feature of displaying a menu included a several user selectable facilities on a display. The user chooses one of the options from the menu, and wherein one of the options includes printing to a printer 56 (see abstract and figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Knudson and Schein by providing function printing to a printer as taught by Remillard in order enhance the interactive television services.

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12. Claims 6 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US 6526577 B1) in view of Nagasaka et al. (US 5818439 A).

Regarding **claims 6 and 22**, Knudson show the current operational context comprising a movie context (see figure 5). Knudson does not explicitly show the selectable options provide the functions of playing, rewinding, forwarding, stopping. However, Nagasaka discloses a control panel 218 are arranged with buttons for playback, stop, and other operations by selection of which the user changes video playback states, e.g., fast forward, reverse...etc (see col. 13, lines 48-51 and figure 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the selectable list of the Knudson by presenting a control panel comprising the functions of playing, rewinding, forwarding, stopping as taught by Nagasaka in order to provide the onscreen VCR-like functions for user selection.

13. Claims 10, 11, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US 6526577 B1) in view of Schein et al. (US 6,002,394 A) and further in view of Davis et al. (US 5,822,123 A).

Regarding **claims 10, 11, 26 and 27**, Knudson does not explicitly show a setting and tips context. However, Schein shows onscreen a list of services including "setup and utilities" as illustrated in figure 20A (see figure 20A). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the menu of Knudson by including setup and utilities feature as taught by Schein to allow the user easily setup television or interactive service.

Neither Knudson nor Schein disclose showing the user operational tips and permitting the user to change operational settings. However, Davis discloses displaying a pop-up hint in overlaying relationship with the program schedule information in at least one mode of operation of the television programming guide. For example, the pop-up hint allows the viewer to highlight

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another program by pressing up or down arrow as shown in figure 43A. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Knudson and Schein by including a hint in relationship with the program schedule information in at least one mode of operation of the television programming guide as disclosed by Davis to visually guide the viewer to operate the TV guide in an easy manner.

14. Claims 12 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US 6526577 B1) in view of and further in view of Wugofski (US 6,704,028 B2) and further in view of Billock et al. (US 5,619,249 A).

Regarding **claims 12 and 28**, Knudson shows the current operational context comprising a favorites context (see figure 5). Knudson does not explicitly teach the selectable options providing functions of choosing a group of favorites, changing favorites and adding a channel to a favorites group.

However, Wugofski teaches that an edit list 69b which enables the user to add channels from the currently active favorite list, a select list 69c which enables the user to change the currently active favorite list to another active lists. Wugofski further teaches that the view can activate select list 69c and a sub-item list 69e will appear indicating all of the active favorites lists. From this group, the user can select one of the active lists with the pointing device in the remote control. For example, the user can select from sub-item list 69e a group of favorites of Jenny, Mom or Dad (see figure 5 and col. 6, lines 24-42). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the selectable list of Knudson by including functions of choosing a group of favorites, changing favorites and adding a channel to a favorites group as taught by Wugofski to allow the user easily selecting a group of favorites and editing the favorites lists as desired.

Both Knudson and Wugofski fail to teach functions of moving a previous favorites group and moving to a next favorites group. However, Billock teaches a category selection bar 50 including a previous category actuator 52 and a next category actuator 54 as illustrated in figures 6-8 to allow the user changing the active category (see figures 6-8 and col. 9, line 66 to col. 10, line 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Knudson and Wugofski by providing a previous category actuator and a next category actuator as taught by Billock in order to allow the user easily and quickly changing the active lists.

#### ***Allowable Subject Matter***

15. Claim 30 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The prior art does not teach or fairly suggest each of the distinct features "wherein if the current operational context comprises...; then the user selectable options provide at least the functions of..." as recited in claim 30.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ngoc K. Vu', with a long horizontal flourish extending to the right.

Ngoc K. Vu  
Examiner  
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December 23, 2004